

To: Enck, Judith[Enck.Judith@epa.gov]
From: David Engel
Sent: Fri 9/18/2015 7:05:16 PM
Subject: Re: Saint Gobain Hoosick Falls NY Water Supply Contamination
PFOA SAINT GOBAIN NOTICE LETTER TO EPA RE TSCA 9022526801be78d 8EHQ-14-19758_Section 8 (e)_N_363196.pdf
EPA PFOA factsheet contaminant pfos pfoa march2014.pdf

Judith:

As they say in the news business, I may have buried my lead. The first attachment to yesterday's email was the Saint Gobain TSCA Notice letter to EPA. The data are attached to that letter; it is attached below.

Please note that Hoosick has been using three wells as its system is presently configured; those are Wells 3, 6 and 7. The raw water in those wells showed PFOA in the range of 230 to 540 PPT. A second set of samples showed a range of 170 to 450 PPT for PFOA. The treated (finished) water sample tested at 440 PPT for PFOA and can be regarded as typical of what was being supplied to the users in the Village at that time.

In response to the sample results, Hoosick ceased its use of Well 7, where the highest values had been obtained and then relied upon Well 3 as its primary source. All three of the current wells are clustered near the Saint Gobain property. The Village's water treatment plant is adjacent to the Saint Gobain property. My experts indicate that the switch from Well 7 to Well 3 would likely provide only temporary relief because the wells are all in the same area and the contamination will be drawn into whatever well is utilized the most. It is our understanding that the results of sampling undertaken during late spring or early summer indicated that PFOA levels were on the rise in Wells 2 and 3. We are undertaking to obtain those data and provide them to you. Clearly switching from one well to another, when all are proximate to the contamination source provides no permanent or reliable remedy to the situation.

To put the Hoosick matter into context, please consider the following:

1. The matter of PFOA and related substances is an emerging issue. The science has been developing at a rapid pace over the course of the past ten years.
2. EPA has issued Guidance values for PFOA in drinking water. See the second attachment below. But no formal standards have been adopted. That said, it is clear that PFOA at even very low levels poses a risk to public health. By way of comparison: EPA's drinking water standard for PCBs is 0.5 ug/l (500 PPT); EPA's Guidance value for short term exposure to PFOA is 0.4ug/l (440 PPT).
3. Minnesota has been dealing with the PFOA issue, largely as a result of 3M Corporation's development, manufacture and use of PFOA-related products; Minnesota has established 0.3 ug/l (300 PPT) as its value for PFOA in drinking water. New Jersey has established an even lower value for exposure to PFOA in drinking water of .04 ug/l (40 PPT).

4. In 2006, EPA entered into an "industry-wide" agreement under which all of the major actors (DuPont, 3M etc) agreed to phase out the production and use of PFOA and PFOA-containing substances. Saint Gobain did not enter into that agreement but describes itself as voluntarily complying with it. But similar to PCBs, PFOA and related substances are environmentally persistent and remain in soils and groundwater for decades. Accordingly, while some regard the 2006 Agreement as having solved the PFOA issue, PFOA as a persistent environmental toxin remains largely unaddressed.

We have been working with a group of concerned residents, including the primary local Physician and a former member of the Village Board. We have retained an Environmental Toxicologist. We are seeking a meeting with the Mayor for the purpose of discussing this matter and suggesting some avenues for obtaining relief. As we discussed, unfortunately the Mayor has been reluctant to confront Saint Gobain on this issue. We hope to persuade him that Saint Gobain must bear the costs associated with resolving this problem. That said, EPA's involvement in this matter would be welcome.

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>>> "Enck, Judith" <Enck.Judith@epa.gov> 9/16/2015 10:32 PM >>>

Dave. I would appreciate receiving additional information, esp on the drinking water issue.

Thanks, Judith

Sent from my iPhone

> On Sep 16, 2015, at 5:27 PM, David Engel <DEngel@nolanandheller.com> wrote:

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> Judith:

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> This email follows up on our discussion of this afternoon with respect to the above-referenced matter.

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> Attached please find a copy of the Notice letter sent on behalf of Saint Gobain to EPA on December 30, 2014 with respect to the presence of PFOA in the Hoosick Falls water supply. As noted in the letter, the Notice was provided in an apparent effort to comply with the requirements of the Toxic Substances Control Act (TSCA) with regard to "environmental contamination" that may pose a "significant risk to human health or the environment".

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> In the letter, Saint Gobain points out that PFOA has been the subject of an EPA "provisional Health advisory" of 0.4 micrograms per liter (400 PPT). Saint Gobain goes on to point out that the level is not enforceable and asserts that the notification is being provided "out of an

abundance of caution".

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> That said, Saint Gobain fails to acknowledge that the 400 PPT value is for short term exposure and that exposure via a public water supply is of a long term or chronic nature. While Saint Gobain asserts that it is observing the TSCA notification requirements out of an abundance of caution, it failed to exercise caution by contemporaneously informing the Village that long term exposure to PFOA at the levels observed in the water supply represented a public health threat. Within a few weeks of this notification, Saint Gobain had met with the Mayor and was silent when the Mayor made public statements to the effect that the PFOA levels in the water supply were "50,000 times lower" than the level of concern expressed by EPA and that there was no problem with PFOA levels in the range of 200 to 400 PPT. (See attachment below in which the Mayor evidently relies upon DOH for this characterization).

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> Saint Gobain claims that it has not been a "user of PFOA per se". It is unclear what this assertion actually means. At the same time, Saint Gobain acknowledges that it has participated in a "PFOA phase-out effort" since 2003. In this regard, Saint Gobain clearly was aware that it had a potential PFOA issue in Hoosick Falls before the Village redeveloped its wellfield and treatment plant in close proximity to the Saint Gobain facility in 2009. Given that the PFOA phase out was in part motivated by the goal to avoid further contamination of water supplies, Saint Gobain's silence on this subject as the Village proceeded is particularly troubling.

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> In addition to the water issue, please be aware that PFOA contamination may be generally present throughout the Village due to other factors. As documented in West Virginia and elsewhere with respect to DuPont facilities, airborne particulate from the plant may have dispersed the chemical over a wide area. In addition, Saint Gobain allowed (and may have encouraged) employees to remove "empty" containers of PFOA substances from the plant for use at home. We have direct evidence that Hoosick residents have been using these containers for storage of linens, clothing and other personal items.

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> In considering this matter, please be aware that PFOA is environmentally persistent. It is resistant to bio-degradation. Further, the most recent scholarship suggests that there may be virtually no safe threshold level for PFOA exposure. A recent article suggested that EPA's 400 PPT value may be about 1000x too high. (See attachment below)

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> The first major concerns about PFOA were raised in response to conditions in West Virginia and Ohio associated with releases from DuPont. The original cases resulted in an interim settlement under which the parties agreed that an impartial "Science Panel" would assess the issue of linkage between PFOA exposure and a variety of diseases and medical conditions. After several years of study, the Science panel began to issue its findings. PFOA exposure was found to have a causal relationship to Kidney Cancer, Testicular Cancer, Liver disease, Ulcerative Colitis and other conditions. (See attachment below in which the studies on Kidney and Testicular Cancers are reported) In Hoosick Falls, we are aware of Kidney Cancer cases among the Saint Gobain workers who handled the substance. We are generally aware of a variety of health issues throughout the community. There is a large body of literature and data available on this topic and we will be happy to provide further information to you and your staff.

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> Thank you for your interest in this matter.

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> Dave Engel

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> <PFOA SAINT GOBAIN NOTICE LETTER TO EPA RE TSCA 9022526801be78d_8EHQ-14-19758_Section 8 (e)_N_363196.pdf>

> <pfoa results reported by The Village of Hoosick Falls, NY.pdf>

> <pfoa exposure kidney cancer ehp.1306615.pdf>

> <PFOA Unsafe At Small Doses EWG 08 2015.pdf>